

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

**DECLARATION OF PATRICK  
SULLIVAN**

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.

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I, Patrick Sullivan, declare as follows:

1. I was an employee of Federal Insurance Company (“Chubb”) from 2004 to 2015. During that time, my positions were in the Information Technology Department (the “IT Department”). From ~2009 to 2016 I was the Chief Architect at Chubb. I am currently the Chief Technology Officer at Hanover Insurance Group.

2. In my role at Chubb, I worked with Blaze. In late-2006, I was involved in the decision to have Chubb enter into an enterprise-wide license to use Blaze. A key aspect of this decision was that Chubb would be able to install and use Blaze across its enterprise without restriction, whether inside the United States, or abroad.

3. The ability to use the software abroad included the ability to install the software abroad. I know of no distinction ever drawn by FICO between the use of the software and the installation of the software. At Chubb, generally we preferred to install

the software where it was used for performance and architectural design reasons. This was and is common practice for software like Blaze.

4. After we purchased the enterprise-wide license for Blaze, the IT Department employees at Chubb Europe became interested in implementing a rules management software. However, they initially wanted to use a competitor product called DROOLS. I and others in IT suggested that Chubb Europe look into using Blaze because Chubb had purchased a global enterprise-wide license for Blaze.

5. I have been in this industry for 30 years. It has always been my practice to make sure that the IT department reaches out to the software vendor in a situation like this to confirm that the applicable license allowed the contemplated installation and use. This was my practice and the IT Department's practice while I was at Chubb.

6. When discussions regarding Chubb Europe's use of Blaze began, I believe that we did reach out to our contacts at FICO to confirm that use and installation of Blaze in Europe was allowed. While I do not remember the exact timing of this, I think it was in the 2008 time-frame. Again, while I do not recall the precise interaction, I am confident that the response we received from FICO was that the use and installation was allowed, as evidenced by the fact that Chubb Europe proceeded to work *with* FICO to install and use Blaze.

7. When Chubb Europe was considering using DROOLS, I encouraged the IT employees at Chubb Europe to meet directly with FICO employees in Europe. The parties did meet, and Chubb Europe decided to use Blaze. FICO worked directly with the Chubb Europe IT department to install and begin using Blaze in Europe.

8. I interacted with FICO's representatives (including Mike Sawyer) with some regularity while I was at Chubb. FICO (through Sawyer or otherwise) never objected to Chubb's installation or use of the Blaze software in Europe or anywhere else.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated:

8/26/2019

s/

Patrick Sullivan

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